

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

SANDRA NJOS,
Plaintiff,

VS.

ROCKFORD HEALTH SYSTEM, an Illinois
not-for-profit Corporation, ROCKFORD
MEMORIAL HOSPITAL, an Illinois
not-for-profit Corporation, ROBERT
ESCARZA, M.D., & RHONDA CASANT, R.N.
Defendants.

NO. 07 C 50213

**DEFENDANTS' MOTION TO EXTEND TIME TO FILE AN
ANSWER OR OTHERWISE PLEAD TO COMPLAINT AT LAW**

NOW COME the Defendants, ROCKFORD HEALTH SYSTEM, ROCKFORD MEMORIAL HOSPITAL, ROBERT ESCARZA, M.D., and RHONDA CASANT, R.N., by and through their attorneys, GUMMERSON & RAUSCH, LLC, and pursuant to 735 ILCS 5/2-622 and Federal Rule of Civil Procedure 6(b), move this Court to extend the time to file an Answer or otherwise plead to the Complaint at Law filed on October 30, 2007, and in support of this Motion state as follows:

1. The Plaintiff filed a Complaint at Law on October 30, 2007 alleging medical negligence against each of the Defendants. The Plaintiff alleges diversity of citizenship between the Plaintiff and Defendants.
2. Each of the above-named Defendants was served with this lawsuit on October 31, 2007.
3. In Illinois, medical negligence cases must be accompanied by an affidavit of an attorney and a report from a health care professional stating that there is a

reasonable and meritorious basis for filing a case against the Defendants. See 735 ILCS 5/2-622(a)(1).

4. The attorney for the Plaintiff filed an affidavit pursuant to 735 ILCS 5/2-622(a)(2) stating that she was “unable to obtain an affidavit of a certifying physician pursuant to 735 ILCS 5/2-622(a)(1), because the statute of limitations would impair this action and the consultation could not be obtained before the expiration of the statute of limitations.” See affidavit of Cynthia Szymanski Koroll attached to Complaint.

5. 735 ILCS 5/2-622(a)(2) states that “if an affidavit is executed pursuant to this paragraph, the affidavit and written report required by paragraph 1 shall be filed within 90 days after the filing of the complaint. . . . The defendant shall be excused from answering or otherwise pleading until 30 days after being served with an affidavit and a report required by paragraph 1.”

6. The Defendants in this matter have been served with a Summons and Complaint. Pursuant to Federal Rule of Civil Procedure 12(a)(1)(A), the Defendants must file an Answer or otherwise plead to the Complaint within 20 days of service.

7. The Defendants seek 30 days beyond the date of receipt of the report required by 735 ILCS 5/2-622 in which to file an Answer or otherwise plead to the Complaint at Law filed on October 30, 2007.

WHEREFORE, the Defendants, ROCKFORD HEALTH SYSTEM, ROCKFORD MEMORIAL HOSPITAL, ROBERT ESCARZA, M.D., and RHONDA CASANT, R.N., respectfully move this Court to grant them an additional 30 days beyond the date that the Plaintiff files a certificate and medical report pursuant to 735 ILCS 5/2-622, in which to answer or otherwise plead to the Complaint.

GUMMERSON & RAUSCH, LLC

/s/ Tom E. Rausch

GUMMERSON & RAUSCH, LLC
101 S. Benton Street, Suite 201
Woodstock, IL 60098
(815) 337-7700